

**Consultation Response from: KC Environmental Health (Pollution & Noise Control)**

**2026/91233 - 50, Orchard Street, Savile Town, Dewsbury, WF12 9LH**

**Erection of detached dwelling**

**Responding Date:**  
**Monday, 08 June 2026**

**Responding Officer:**  
**HK**

**Responding Ref:**  
**WK20215651**

**Comments**

**Noise**

The site occupies a roadside position at the junction of Orchard Street and Cross Street, and whilst the site occupies a predominantly residential, the wider location is urban with a number of commercial businesses a short distance away where warehouses, distribution centres and their associated parking will result in significant vehicle journeys in the vicinity of the proposed residential development. The site will experience urban, commercial & transportation noise associated with its location that will require assessment.

**Contaminated Land**

The applicant has submitted a Phase One Desk Study Report, Ref: C5148/25/E/7871, dated 22<sup>nd</sup> July 2025, prepared by Rogers Geotechnical Services Ltd. This report notes that:

- *“The site comprises an area of rough ground overgrown with trees and shrubs, along with a large quantity of general waste”*
- *“The property is in a Radon Affected Area as between 3% and 5% of homes are at or above the action level. Basic radon protective measures are necessary in the construction of new dwellings or extensions”*
- *“The site is located within a coal mining area as defined by the Coal Authority, however, the site is not present within a development high risk zone. As such, it is not determined that a Consultants Coal Mining Report is necessary for this site”.*
- *“Historic Landfill (Artificial ground) 79m SE, Disused Railway. Type: Inert, industrial, commercial”*
- *“Licenced waste 85m N Physico-Chemical Treatment Facility”*
- *“Licenced waste 249m NE ELV Facility”*
- *“Waste Exemptions (x5) within 175m-248m of site”*
- *“Potentially Infilled Features (x3) within 66m-210m of site”*

A Preliminary Qualitative Risk Assessment / Conceptual Site Model has identified that:

- *“The information from the Phase 1 Desk Study shows there are potential sources of contamination on the site and in the surrounding area”.*
- *“Exploratory Investigation 50m x 50m grid 3x(soil, asbestos & gas). Target Areas Should be assessed during any investigation”.*

The applicant has submitted a Phase 2 Geo-environmental Investigation Report, Ref: C5148/25/E/7872, dated 22<sup>nd</sup> August 2025, prepared by Rogers Geotechnical Services Ltd and a gas monitoring addendum also prepared by Rogers Geotechnical Services Ltd. This report notes that:

- *“Fieldworks were undertaken between 11th and 15th July 2025 and included the following:*

- *Site clearance prior to site investigation in order to remove waste and shrubbery<sup>1</sup>.*
  - *Four windowless sample boreholes with standard penetration tests.*
  - *One dynamic probe adjacent to borehole WS01.*
  - *Three gas monitoring standpipes”.*
- *“The borehole records indicate that a 0.50m to 1.62m thickness of granular made ground consisting of silty, slightly gravelly sand will be present at all locations”.*
  - *“Concentrations of chromiumVI, free cyanide, phenols (total) and total petroleum hydrocarbons (aliphatic C5 to C12; aromatic C5 to C10) were below the detection limits for the tests. Detectable levels of all other contaminants were recorded, but these fell below the associated Atrisk Soil Screening Values. In addition, asbestos was detected within the soils samples tested from WS01 and WS03. As such, a quantification was undertaken that found concentrations of asbestos of 0.02% of the sample tested”.*
  - *“On the basis of the above information, the results of the investigation have concluded that the site is contaminated in regards to the intended end use. Indeed, both asbestos and elevated levels of PAHs were detected within the made ground”.*
  - *“With respect to ground gas, the results of the monitoring visits indicated a maximum concentration of 0.1% methane, with concentrations of carbon dioxide ranging between 0.4% and 4.3%, in association with oxygen levels of between 17.0% and 21.0%”. (Visits were made to the site between the 28th July and the 12th September 2025 - readings undertaken were at atmospheric pressures of between 990mb and 1017mb).*
  - *“The site may be characterised as Characteristic Situation Level 1. It is therefore considered that there is a very low risk of harm to end users and site operatives and no special precautionary measures are required to protect against bulk ground gases”.*
  - *In view of the site-specific risk assessment it is considered that remediation will be required at this site - Made Ground (Asbestos and PAHs).*

An indicative Remediation Strategy is discussed in Section 11.3 of the submitted a Phase 2 Geo-environmental Investigation Report.

A remediation strategy is necessary and should be ensured by way of condition.

### **Lighting**

Artificial lighting increases local lighting levels and has the potential to impacting biodiversity and the amenity of nearby residential receptors. Any external lighting should be properly designed and installed to avoid any adverse impacts on residential neighbours from obtrusive or spillover light, or glare.

### **Air Quality**

In an application of this nature, it is expected that the application is accompanied with a provision for charging electric vehicles. The applicant has identified within drawing no. 25-047-05, dated 18<sup>th</sup> November 2025, prepared by Code L6 Architects Ltd that “OLEC EV/OLEV Home Car charge Point: The cable and circuitry ratings for the charging points shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. Located in garage” is to be provided. This should be ensured by way of condition, or a suitable alternative means to ensure the development includes the provision for charging electric vehicles.

<sup>1</sup> Community Protection Notice ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 SECTION 43 (1) Ref: 202518180 served on 13<sup>th</sup> June 2025 accumulation of waste which consists plastic bags, plastic bottles & assorted litter

### **Construction**

Due to the proximity of the site of the proposed development to neighbouring residential dwellings, the applicant will need to ensure noise & dust are minimised throughout the ground clearance & construction of the development to protect the amenity of the occupants of nearby dwellings.

### **Recommended Conditions**

#### **NC9 Noise Assessment Report and Mitigation Scheme - Condition**

Before construction work commences a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including road traffic and commercial noise shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- a) Determine the existing noise climate over an appropriate time period (including weekend and peak weekdays)
- b) Predict the noise climate in living rooms and gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

**Reason:** To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

#### **NC7 Ventilation of habitable rooms if windows need to be kept closed - Condition**

Before construction work commences, a ventilation scheme for rooms where windows need to be kept closed to prevent excessive noise levels shall be submitted to and approved in writing by the Local Planning Authority. The ventilation scheme shall provide the following information:

- Identify which rooms of which plots referenced back to the approved Noise Assessment require a ventilation system
- The acoustic specification of the proposed ventilation system demonstrating that when operated it will not cause indoor noise target levels to be exceeded
- The ventilation scheme must demonstrate that the air intake is located away from the sources of noise and/or poor air quality.

All works which form part of the approved scheme for each plot shall be completed prior to occupation of the aforementioned plots and retained thereafter.

**Reason:** To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

#### **NF7 Footnote to accompany condition NC7**

A ventilation scheme that meets the performance specification given in Part 6 of Schedule 1 of the Noise Insulation Regulations 1975 is likely to be acceptable.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

**NF4 Competent Person - Footnote**

All Noise Assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants <http://www.association-of-noise-consultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

**CLC3 Submission of Remediation Strategy - Condition**

Groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework

**CLC4 Implementation of the Remediation Strategy - Condition**

Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (CLC3). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework

**CLC5 Submission of Verification Report - Condition**

Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

- Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework

#### **CLC7 Contaminated land - Footnote**

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- *BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.*

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

#### **EVC1 Electric Vehicle Charging Points – Condition**

Before first occupation, a scheme outlining the specific facilities for charging electric vehicles and other ultra-low emission vehicles for each parking space at the premises must be submitted to and approved in writing by the Local Planning Authority. This scheme must meet the minimum requirements in the current West Yorkshire Low Emission Strategy (WYLES) document. The approved facilities for charging electric vehicles must be installed before occupation and retained for use thereafter.

**Reason:** In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

#### **EVF1 Electric Vehicle Charging Points – Footnote**

- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.
- The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.

#### **LC1 External Artificial Lighting - Condition**

Before the installation of external artificial lighting commences, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information:

- a) The proposed hours of operation of the lighting
- b) The location of all the luminaires

- c) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated.
- d) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
- e) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

No external artificial lighting shall be used unless the lighting has been installed and operated in accordance with the approved scheme.

**Reason:** To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with part 2 and 15 of the NPPF and LP52 of the Local Plan.

#### **LF1 Artificial lighting - Footnote**

The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with the *“Guidance Note 01/21 for the Reduction of Obtrusive Light”* by the Institution of Lighting Professionals: 2021 [www.theilp.org.uk](http://www.theilp.org.uk). The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for the corresponding Environmental Zone (i.e. E0 to E4).

#### **CSC1 Construction Site Working Times - Condition**

No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Bank/Public Holidays.

**Reason:** To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP52 of the Local Plan

#### **CSF1 Construction Sites working times – Footnote**

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited